

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ACACIA ROCKETT, and individual,
Plaintiff,

v.

LEGACY HEALTH, a corporation,
Defendant.

No. 3:24-cv-1041-JR

OPINION AND ORDER

BAGGIO, District Judge:

I. INTRODUCTION

On January 13, 2025, Magistrate Judge Jolie A. Russo issued her Findings and Recommendation (“F&R,” ECF 23), that recommended that this Court grant Defendant’s motion to dismiss (“Mot.”, ECF 9) with respect to Plaintiff’s Or. Rev. Stat. § 659A.030 failure to accommodate claim because Plaintiff failed to timely file the claim within the applicable statute of limitations. Judge Russo’s F&R also recommended that this Court dismiss Plaintiff’s state and federal law claims for (1) disparate impact, (2) disparate treatment, (3) wrongful reduction in pay, (4) retaliation, (5) discriminatory pattern or practice, and (6) hostile work environment, given that Plaintiff agreed to voluntarily dismiss these claims. F&R, at 7; *see* Plaintiff’s Response (“Pl.’s Resp.”, ECF 20), at 1. No objections were filed.

II. DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a

de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however, required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

III. CONCLUSION

Upon review, the Court agrees with Judge Russo’s recommendation and ADOPTS the F&R (ECF 23) in full. Plaintiff’s Or. Rev. Stat. § 659A.030 failure to accommodate claim is dismissed with prejudice. Plaintiff’s state and federal claims for (1) disparate impact, (2) disparate treatment, (3) wrongful reduction in pay, (4) retaliation, (5) discriminatory pattern or practice, and (6) hostile work environment, are dismissed without prejudice. Plaintiff’s only remaining claim is her Title VII failure to accommodate claim.

IT IS SO ORDERED.

DATED this 14th day of February, 2025.



AMY M. BAGGIO
United States District Judge